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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWIN WILLIAM BALERO,

Defendant,

CASE NO. Cr. 12-00369 & 99-401
JAM

STIPULATION REGARDING
EXCLUDABLE TIME PERIODS
UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on June 18, 2013.
2. By this stipulation, the parties move to continue the status conference until July 9, 2013 at 9:45 a.m., and to exclude time between June 18, 2013, and July 9, 2013, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a. The parties have been involved in plea negotiations, and the Government has extended a formal plea offer to the defendant. Defense counsel needs additional time to reevaluate the discovery previously provided by the Government, review the formal plea agreement with the defendant, and make

1 recommendations to the defendant regarding acceptance or rejection of the
2 offer. If the defendant decides to enter into the plea agreement, defense
3 counsel will need additional time to prepare the defendant for a change of plea
4 hearing.

5 b. Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him the reasonable time necessary to review the
7 Government's formal plea offer with the defendant, and to effectively prepare
8 for a possible change of plea, taking into account the exercise of due
9 diligence.

10 c. The government joins in the request for the continuance.

11 d. Based on the above-stated findings, the ends of justice served by continuing
12 the case as requested outweigh the interest of the public and the defendant in a
13 trial within the original date prescribed by the Speedy Trial Act.

14 e. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §
15 3161, et seq., within which trial must commence, the time period of June 18,
16 2013, to July 9, 2013, inclusive, is deemed excludable pursuant to 18 U.S.C. §
17 3161(h)(7)(A), (B)(iv) [Local Code T4] because it results from a continuance
18 granted by the Court at the defendants' request on the basis of the Court's
19 finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.

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2 4. Nothing in this stipulation and order shall preclude a finding that other provisions of
3 the Speedy Trial Act dictate that additional time periods are excludable from the period within which
4 a trial must commence.

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6 IT IS SO STIPULATED.

7 DATED: June 14, 2013

8 /s/ Michael D. McCoy
9 MICHAEL D. McCOY
Assistant United States Attorney

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11 DATED: June 14, 2013

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13 /s/ Danny D. Brace, Jr.
14 DANNY D. BRACE, JR.
Counsel for Defendant EDWIN WILLIAM BALERO
15 Per e-mail authorization

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17 **ORDER**

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19 IT IS SO FOUND AND ORDERED this 14th day of June, 2013.

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21 /s/ John A. Mendez
22 JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE
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